

Remarks

Applicant acknowledges with appreciation the allowance of claim 9, and additionally requests reconsideration of the rejection of the remaining claims in the application.

Applicant's claims principally have been rejected on the basis that it would be obvious to a person having ordinary skill in the art of ground cleaning to modify the machine disclosed in Barber as taught by Jamal. In response to such grounds of rejection, initially, it is submitted that a person having ordinary skill in the art involving machines for the removal of debris from ground surfaces as disclosed by Barber would not be expected and is not likely to resort to the art of removing contaminants from metal articles, as exemplified by Jamal, and thus be induced or motivated to modify the type of machine, as disclosed in Barber to arrive at the claimed invention. Jamal essentially relates to a metal cleaning apparatus in which contaminants mixed with tungston sponge are sought to be removed. The metal cleaning art clearly is distinct and remote from the art involving machines for removing debris from the ground. Secondly, it is submitted that Jamal does not teach the provision of a plurality of tines provided on an endless conveyor used to pierce and/or engage and convey ground surface debris upwardly and cooperate with a stationary set of tines functional to comb out the debris carried by the conveyor tines. Jamal simply utilizes a rotatable member provided with spikes about its circumference for impaling metal sponge contaminants and moving them into contact with a set of stationary tines.

Assuming that the spikes provided on the rotating drum of the Jamal metal cleaning apparatus comprised the equivalent of the tines provided on the endless conveyor of the machine disclosed in Barber, it further is submitted that it would not be obvious to modify the machine disclosed in Barber as purportedly taught by Jamal in that the Barber machine has been in the public domain since 1968, the purported teachings of Jamal have been publicly available since 1962 and yet neither Barber nor anyone else has sought to incorporate the removal mechanism of

Jamal in a machine as disclosed in Barber, prior to Applicant. In addition, it is submitted that the proposed modification of the Barber machine as purportedly taught by Jamal would result in a total reconstruction of Barber for which there is no compelling reason. Furthermore, it is not seen how the Barber machine may readily be modified as taught by Jamal to arrive at the claimed invention. Such reconstruction of Barber would require the removal of drive pulley 114, V-belt 113, pulley and spur gear 15, spur gear 116 and brush 12, and the installation of a set of stationary tines somewhere on the frame of the machine, which is not prescribed by Jamal. Furthermore, there is no teaching in Jamal and it would not be probable from the configuration of receptacle 100 of the Barber machine, to mount such tines on a front, transverse wall of the receptacle cooperable with the conveyor tines of the conveyor, as recited in Applicant's claims. Any reconstruction of the Barber machine as purportedly taught by Jamal would result in a strained reconstruction of the Barber machine causing it to its original identity.

It further is important to note that the Barber machine provides means for removing articles from the tines of an endless conveyor, i.e., brush 112. In such structure, it is intended that brush 112 brush articles impaled by tines 120 and cause them to be discharged into receptacle 100. There would be no compelling reason or motivation to simply remove the arrangement provided for removing such articles and replacing it with another arrangement as purportedly taught by Jamal.

Considering that the examination of the subject application has involved three Office actions, the citation of 25 references and a number of rejections based on 12 different combinations of references, i.e., Barber in view of Baxter, Baxter in view of Jackson, Barber in view of Fry, Baxter in view of Barber, Barber in view of Etzler, Barber in view of Etzler in view of Jackson, Barber in view of Etzler in view of Fry, Barber in view of Jamal, Barber in view of

Jamal in view of Baxter, Barber in view of Jamal in view of Jackson, and Barber in view of Jamal in view of Fry, there is an appearance of a predisposition of unpatentability of the structure defined in Applicant's claims. There further is the suggestion that in seeking to establish a *prima facie* case of obviousness, the prior art has been searched for the elements of claimed structure, and that such elements have been sought to be combined to arrive at the claimed structure by hindsight and not convincing evidence of any teaching or motivation provided by any of the secondary references.

In view of the foregoing, it respectfully is requested that the rejection of the remaining claims under rejection be withdrawn, such claims be allowed and further that the application be passed to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter N. Lalos", with a long horizontal flourish extending to the right.

Peter N. Lalos
Registration No. 19,789
STEVENS, DAVIS, MILLER & MOSHER, LLP
1615 L Street, N.W., Suite 850
Washington, D.C. 20036-5622

June 7, 2006
PNL:cb
202/785-0100